



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,758	03/29/2001	Takashi Yamamoto	35.C15234	2682
5514	7590	06/09/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			LAO, LUN YI	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2673

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,758

Applicant(s)

YAMAMOTO ET AL.

Examiner

Lao Y Lun

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 and 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-15 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 11-15 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano et al(6,313,812) in view of Florin et al(5,594,509).

As to claims 1-5, 11-15 and 19-23, Nagano et al teaches a control system comprising a control apparatus(20, 40)(see figure 6 and column 6, lines 12-55); a control apparatus(20, 40) adapted to receive an operation panel for operating a controlled apparatus(30) from the controlled apparatus(30) and to display the operation panel(see figures 7-10) on a display unit(40)(see figures 6-10; column 7, lines 38-47; column 8, lines 13-34 and column 9, lines 28-42); an operation apparatus(a remote control unit) having a first operation unit(direction keys) for operating the operation panel(see figures 6-10; abstract; column 6, lines 56-68 and column 7, lines 1-28) and the control apparatus(20) having a receiving unit for receiving a control signal from the operation apparatus(a remote control unit) and a control unit(21) for transmitting a command for determining whether or not to transmit a command(e.g. Enter command)

to the controlled apparatus(30)(see figures 6-10; column 9, lines 28-42 and column 10, lines 1-16). Florin et al teach a control unit(54) determining, according to the control signal, whether the first operation unit(134, pointing operation)(see figure 5a and column 12, lines 20-32) or the second operation(160)(see figure 5a and column 12, lines 37-45) is being operated, and transmitting the command from the control apparatus(54) to the controlled apparatus(56 or 57) if it determined that the second operation(recording, rewinding, stop, play; etc.) is being operated(see figures 1-2, 4a-5a; column 8, lines 31-64; column 12, lines 20-32 and lines 37-45).

Nagano et al fail to disclose an operation apparatus having a second operation unit for operating a specific function of the controlled apparatus and transmit the command from the control apparatus to the controlled apparatus if it determined that the second operation is being operated.

Florin et al teach an operation apparatus(60) having a first operation unit(145, 146, 148, 150, 155) for operating the operation panel(420)(see figures 4a-5a, 36; abstract; column 3, lines 9-16 and column 12, lines 21-32) and a second operation unit(120, 122, 125, 130, 132, 142, 162, 164, 166, 168, 170)for operating a specific function(e.g. volume up or down, channel up or down, rewind, stop or record) of the controlled apparatus(56, 57, 58)(see figures 4a-5a; column 11, lines 50-68 and column 12, lines 1-45). Florin et al teach a control unit(54) determining, according to the control signal, whether the first operation unit(134, pointing operation)(see figure 5a and column 12, lines 20-32) or the second operation(160)(see figure 5a and column 12, lines 37-45) is being operated, and transmitting the command from the control

Art Unit: 2673

apparatus(54) to the controlled apparatus(56 or 57) if it determined that the second operation(recording, rewinding, stop, play; etc.) is being operated(see figures 1-2, 4a-5a; column 8, lines 31-64; column 12, lines 20-32 and lines 37-45). It would have been obvious to have modified Nagano et al with the teaching of Florin et al, so as to provide a more power operation apparatus to a user.

As to claims 2, 12 and 20, Florin et al teach the control apparatus(54) for determine which one to the plural display elements(421, 422) in the operation panel(420) is operated(see figures 4a-5a, 36; column 21, lines 56-68 and column 22, lines 1-29).

As to claims 4, 14 and 22, Florin et al teach the control apparatus(54) to transmit a command for operating specific function(power on/off, volume up/down or channel up/down to the controlled apparatus(58) even the display panel is not display on the display unit(180)(see figures 1, 4a-5a and column 11, lines 50-56).

As to claims 3, 5, 13, 15, 21 and 23, Nagano et al teach the control apparatus(20, 40) for determining whether or not to move a cursor(51) on the operation panel(see figures 6-10; abstract; column 6, lines 56-68; column 7, lines 20-30 and column 9, lines 20-27) and the control apparatus(20, 40) is adapted to change the operation panel according to data transmitted from the controlled apparatus(30)(see figures 6-10; column 7, lines 38-47; column 8, lines 13-34 and column 9, lines 28-42);

3. Claims 1-5, 11-15 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al in view of Hahm(5,949,351).

As to claims 1-5, 11-15 and 19-23, Florin et al teaches a communication system comprising a control apparatus(54)(see figures 1, 2 and column 8, lines 31-49); a control apparatus(54) an operation panel(420) presented on a display unit(180); an operation apparatus(60) having a first operation unit(145, 146, 148, 150, 155) for operating the operation panel(420)(see figures 4a-5a, 36; abstract; column 3, lines 9-16 and column 12, lines 21-32) and a second operation unit(120, 122, 125, 130, 132, 142, 162, 164, 166, 168, 170)for operating a specific function(e.g. volume up or down, channel up or down, rewind, stop or record) of the controlled apparatus(56, 57, 58)(see figures 4a-5a; column 11, lines 50-68 and column 12, lines 1-45) and the control apparatus having a receiving unit(82) for receiving a control signal from the operation apparatus(60) and a control unit(63) for determining whether or not to transmit a command for operating specific function(e.g. rewind, stop or record) to the controlled apparatus(56, 57, 58)see figures 1-2, 36; column 8, lines 50-67; column 9, lines 1-25; column 12, lines 38-62; column 21, lines 56-68 and column 22, lines 1-22).

Florin et al teach a method comprising a pointing device(up, down, left, right, 145, 146, 148, 150) and a transceiver(54) for receiving data from the controlled apparatus(56-58)(see figures 1, 2, 4a-5a; column 3, lines 9-16; column 8, lines 32-49 and column 10, lines 5-19). Florin et al teach a control unit(54) determining, according to the control signal, whether the first operation unit(134, pointing operation)(see figure 5a and column 12, lines 20-32) or the second operation(160)(see figure 5a and column 12, lines 37-45) is being operated, and transmitting the command from the control apparatus(54) to the controlled apparatus(56 or 57) if it determined that the second

Art Unit: 2673

operation(recording, rewinding, stop, play; etc.) is being operated(see figures 1-2, 4a-5a; column 8, lines 31-64; column 12, lines 20-32 and lines 37-45).

Florin et al fail to disclose a cursor on an operation panel and changing the operation panel according to data transmitted from the controlled apparatus.

Hahm teaches a method comprising a pointing device(105) for controlling the moving of a cursor(154) on an operation panel(103)(figures 1, 5 and column 5, lines 12-33) and changing the operation panel(103) according to data transmitted from the controlled apparatus(120, 130, 140)(see figure 1, 7-11; column 6, lines 1-18; column 7, lines 24-52 and column 8, lines 13-19). It would have been obvious to have modified Florin et al with the teaching of Hahm, so as to provide an indication(cursor) to notify a user which position has been activated on a display and update display information on the operation panel.

As to claims 2, 12 and 20, Florin et al teach the control apparatus(54) for determine which one to the plural display elements(421, 422) in the operation panel(420) is operated(see figures 4a-5a, 36; column 21, lines 56-68 and column 22, lines 1-29).

As to claims 4, 14 and 22, Florin et al teach the control apparatus(54) to transmit a command for operating specific function(power on/off, volume up/down or channel up/down to the controlled apparatus(58) even the display panel is not display on the display unit(180)(see figures 1, 4a-5a and column 11, lines 50-56).

***Response to Arguments***

4. Applicant's arguments filed on February 7, 2005 have been fully considered but they are not persuasive.

Applicants teach Florin et al does not teach a control unit determining, according to the control signal, whether the first operation unit or the second operation is being operated, and transmitting the command from the control apparatus to the controlled apparatus if it determined that the second operation is being operated on page 9. The examiner disagrees with that since Florin et al teach a control unit(54) determining, according to the control signal, whether the first operation unit(134, pointing operation)(see figure 5a and column 12, lines 20-32) or the second operation(160)(see figure 5a and column 12, lines 37-45) is being operated, and transmitting the command from the control apparatus(54) to the controlled apparatus(56 or 57) if it determined that the second operation(recording, rewinding, stop, play; etc.) is being operated(see figures 1-2, 4a-5a; column 8, lines 31-64; column 12, lines 20-32 and lines 37-45).

Applicants teach Hahm does not teach a control unit determining, according to the control signal, whether the first operation unit or the second operation is being operated, and transmitting the command from the control apparatus to the controlled apparatus if it determined that the second operation is being operated on page 10. However, Hahm is not cited for teaching above limitation, but Florin et al do(see the discussion of Florin above).



***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 2, 2005



**Lun-yi Lao**  
**Primary Examiner**